

UNITED STATES OF AMERICA )  
 )  
 ) NO. 2:05-CR-70  
v. )  
MICHAEL VASSAR )

This criminal matter is before the Court to consider the defendant's motion to suppress and exclude expert testimony. [Doc. 150] It is hereby **ORDERED** that this motion is **DENIED**. Although discovery was due on August 11, 2005, the report shows on its face that it was not prepared until November 8, 2005. It was subsequently produced by the government on January 12, 2006, which is a date five (5) weeks prior to trial. The defendant has failed to show any prejudice from the late production of this report other than the fact that he could not file a timely *Daubert* motion. Accordingly, it is also hereby **ORDERED** that the defendant will have up to and including January 30, 2006, to file a *Daubert* motion.

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